

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 08-66411

JOE FAZ SLIM, *pro se*,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING DEBTOR'S "REQUEST FOR A VOLUNTEER [SIC]
DISMISSAL OF A CHAPTER 13 CASE" (DOCKET# 59)**

On March 20, 2009, Debtor filed a "Request for a Volunteer [sic] Dismissal of a Chapter 13," (the "Motion," Docket # 59), which the Court construes as a motion for voluntary dismissal of this Chapter 7 bankruptcy case.¹ On March 20, 2009, the Clerk of the Court filed a Notice of Deficient Filing, based on Debtor's failure to file a Notice of the Motion, proof of service and proposed order (Docket # 60).

On March 30, 2009, Debtor filed a "Notice to Respondents to Dismiss a Bankruptcy Case," proposed order, and Certificate of Service. (Docket ## 62, 62.) The Notice was not in the form required by the Court.²

On April 2, 2009, Debtor filed a corrected Notice (Docket # 64), and a Certification of Non-Response (Docket # 65). Debtor's corrected Notice (Docket # 64) is defective, however, because it erroneously states that the time period in which to file an objection to the Motion is

¹ Debtor previously filed a motion to convert this Chapter 7 case to Chapter 13 on March 6, 2009 (Docket # 57), but Debtor failed to file and serve a 20-day notice of that motion, so that motion was never acted upon by the Court. (Debtor filed and served only a 15-day notice of his motion to convert.) Then, in his March 20, 2009 motion to dismiss, Debtor withdrew the motion to convert.

² The appropriate form for a notice is available on the Court's website at <http://www.mieb.uscourts.gov/rulesAndForms/localForms.html> by selecting "Notice of Motion and Opportunity to Object."

seven days. The combination of Fed.R.Bankr.P. 2002(a)(4) and L.B.R. 9014-1(b)(2) (E.D. Mich.) requires that a **20-day** Notice of the Motion be filed and served. Debtor was required to file and serve on all creditors and the Chapter 7 trustee a corrected, 20-day notice.

On April 4, 2009, the Court entered an “Order Requiring Debtor to File and Serve a 20-Day Notice of His Motion for Voluntary Dismissal of Case, and a Proof of Service.” (Docket # 66.) The April 4, 2009 Order provided, in relevant part:

IT IS ORDERED that Debtor must file and serve on all creditors and the Chapter 7 trustee a 20-day Notice of the Motion, using the form of notice available on the Court’s website, and then file a proof of such service, all no later than **April 15, 2009**, or the Court may deny the Motion without further notice or hearing.

To date, Debtor has failed to comply with the Court’s April 4, 2009 Order.

Accordingly,

IT IS ORDERED that Debtor’s “Request for a Volunteer [sic] Dismissal of a Chapter 13” (Docket # 59), is DENIED.

Signed on April 20, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge